

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANTOLIN ANDREW MARKS,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. C07-5372RBL

ORDER ADOPTING
REPORT AND
RECOMMENDATION

The Court, having reviewed, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the report and recommendation, [Dkt. #12], and the remaining record, does hereby find and ORDER:

- (1) Plaintiff's Motion for an Extension of Time to File Objections [Dkt. #11] is **DENIED** as Moot.
- (2) The Court adopts the Report and Recommendation;
- (3) The application to proceed *in forma pauperis* is **DENIED**. Plaintiff has thirty days from the date of this order to pay the full \$350.00 dollar filing fee. If the filing fee is not received in thirty days, the clerk's office is instructed to dismiss this action **WITHOUT PREJUDICE**

The Clerk is directed to send copies of this Order to plaintiff, and to the Hon. J. Kelley Arnold and note a date on Judge Arnold's calendar thirty days from today so this action can be tracked.

DATED this 1st day of October, 2007.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE